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August 20, 2012

Office of General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

MUR # 6634

RECEIVED
FEDERAL ELECTION
COMMISSION
2012 AUG 29 PM 3:18
OFFICE OF GENERAL
COUNSEL

Re: Forbes for Congress Campaign Committee, Republican Party of Virginia District
Committees, and Chapters: Unreported Donation of In-Kind Phone System for Calling,
Associated Data Collection and Processing, and Training, During 120-day Federal Election
Activity Period

- Non-reporting of Donations as Disbursement from Forbes for Congress Campaign Committee to several Republican Party of Virginia District, Committees, and Chapters
- Non-reporting of Donations as Receipt by several Republican Party of Virginia District, Committees, and Chapters

Dear Sirs:

It is the assertion of this complaint that the Campaign Committee of Congressman J. Randy Forbes, registered with the FEC as Forbes for Congress, local Republican Party Committees and Chapters in the 4th District of Virginia, and the Republican Party of Virginia, in violation of Federal statutes and regulations, jointly and severally engaged in a pattern of nondisclosure of disbursements and receipts of In-Kind equipment, software, services, training, and data collection and processing used by the Republican Party of Virginia during the 120-day period of Federal Election Activity that existed in Virginia prior to the June 12, 2012 Primary Election.

Asserted Violations and Complaints

- This complaint asserts that the aforementioned Republican Party organizations accepted In-Kind donations of a "Phone System for Calling" from and purchased by the Forbes for Congress Campaign Committee in April 2012. This complaint asserts that this Phone System, associated data and its processing, and training, was used during the period of Federal Election Activity (FEA) which existed 120 days prior to a Federal election, and was used for Voter Identification, Get Out the Vote (GOTV) activities, and General Campaign Activity. The Federal election referenced was held on June 12, 2012, in Virginia, and included, in the 4th District of Virginia, a

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Republican Primary for Congress, a Democratic Primary for Congress, and a Senate Primary (statewide).

•It is the assertion of this complaint that the Campaign Committee of Congressman J. Randy Forbes, registered as Forbes for Congress, failed to report its In-Kind donations of its "Phone System for Calling", associated data and its collection and processing, and training, to various Republican Party Committees in the 4th District of Virginia, worth in aggregate tens of thousands of dollars, donations which occurred within the period of Federal Election Activity.

•It is the assertion of this complaint that by omitting the In-Kind Contributions of "Phone System for Calling" to various Republican Party Committees in the 4th District of Virginia, donations which directly affected a Federal election do not appear in the record, thereby masking the impact of those donations on a Federal election.

•It is the assertion of this complaint that the Republican Party of Virginia and its 4th District Committees and Chapters failed to report as Receipts the In-Kind donations of a "Phone System for Calling", associated data and its collection and processing, and training, from the Campaign Committee of Congressman J. Randy Forbes, registered as Forbes for Congress.

•It is the assertion of this complaint that by accepting the donation of a "Phone System for Calling", data collection and processing, and training costs which may run into the thousands of dollars, Receipts have been received which subject various Committees of the Republican Party of Virginia's 4th District to registration with the FEC, the absence of which is a violation of Federal regulations.

•It is the assertion of this complaint that by omitting the In-Kind Receipt of a "Phone System for Calling", associated data collection and processing, and training, from the Forbes for Congress Campaign Committee, Receipts which were used to affect the outcome of a Federal election do not appear in the record and the impact of those Receipts is thereby masked.

•It is the assertion of this complaint that a Committee of the Republican Party of Virginia, in the 4th District, encouraged its members during an official meeting of the Republican Party Committee to accept and use a donation specifically not reported by their Party Committee.

We believe that the phone bank system purchased by the Forbes campaign and donated to the Republican Party of Virginia's local party committees of the 4th Congressional District was purchased and/or leased from Innovative Campaign Strategies, P.O. Box 264, Columbia, South Carolina, 29202. Two disbursements from the Forbes for Congress Campaign Committee are listed on Page 93 of the Campaign's FEC Pre-Primary Filing of May 12, 2012, to Innovative Campaign Strategies. The first disbursement was on April 05, 2012, for \$4,215.00, and is listed as "Phone System for Calling". The second disbursement was on April 27, 2012, for \$2,106.67, and is listed as "Leasing Phones for Calling".

We further believe that the record will show that the voter data purchased, collected, and processed by the Forbes for Congress Campaign Committee was donated together with the

hardware and software purchased from Innovative Campaign Strategies, creating an end-to-system by which the Republican Party Committees receiving the donations could identify and target voters, and which played a large part in the Get out the Vote activities which preceded the June 12, 2012 Republican Primary in the 4th Congressional District of Virginia.

Personal Knowledge of the Donations and Receipts

On April 23, 2012, I attended a meeting of the Colonial Heights (Virginia) Republican Party. I was a certified candidate for Congress, challenging Congressman J. Randy Forbes for the Republican nomination. The Colonial Heights Republican Party agreed, upon my asking, to allow me to attend the meeting and speak to the members for a period of 10 minutes. The invitation was issued by Colonel William "Bill" Flanagan (retired), a member of the Colonial Heights Republican Party who is also Legislative Aide to Delegate Kirk Cox of Virginia.

I was the first person to arrive at the meeting, which was held at the Colonial Heights Library. The meeting room was opened by Library personnel, and as other members arrived, I began helping them to set up the room with tables and chairs. The first group of people to arrive included Col. Bill Flanagan, his wife, and friends.

Toward the beginning of meeting time, Ms. Amanda Chase, Political Director for the Forbes campaign, arrived, as well. The meeting started shortly thereafter.

Once the meeting began, Col. Flanagan invited me to speak to the members, which I did for a period of 10-15 minutes, taking questions afterward.

Once my remarks were completed, Amanda Chase was invited to speak. During his opening remarks introducing Ms. Chase, Col. Flanagan said that Amanda had brought some "good news" with her. It is my opinion that this "good news" had been conveyed to Col. Flanagan at some time prior to the meeting, as the arrival of Ms. Chase coincided nearly with the start of the meeting, and there was no opportunity for Ms. Chase to have any substantial length of conversation with Bill Flanagan prior to the meeting.

Ms. Chase said that she was glad to be at the meeting, and that Congressman Forbes sent his apologies that he could not attend the meeting. However, she said, "I think that you will be happy because I have brought you something that you are going to like. Our new phone system is here and you are going to be able to make up to 80 calls per hour on this new system." She continued by saying that it is "much easier to use" than our old system, and "we will be training you on it this weekend". "I think that you are going to like it a lot more than the old system which we have been using", she continued. Ms. Chase said that she was "going around the District" introducing the new Phone System to other Committees throughout the District.

After Amanda Chase's presentation to the Colonial Heights Republican Party Committee, and her announcement that the Forbes Campaign was donating a phone system to them, I asked Bill Flanagan and Amanda Chase about the donation.

Amanda Chase told me, "This is not for Congressman Forbes' campaign. This is for the Party to use at the Victory Center in Chesterfield"

Then, breaking into the agenda of the meeting, Col. Flanagan took the floor again. He said that he wanted to clarify what the Phone System purchased by and donated to the Victory Center was being used for, and how it would be used. Col. Bill Flanagan addressed the assembled members of the Republican Party meeting, about 30 strong, with the following detailed message:

"Thank you, Amanda, for your generous donation. Now folks, I want to clarify that this system will be used to identify voters who will vote for the Republican Party, and not to identify voters who prefer Congressman Forbes over Bonnie. We will be using this system to identify voters for the Republican Party, so when Amanda gives you your training this weekend, you will get a script that refers to people by party and not by name."

He continued, "Your script will have questions such as, "Will you favor a Democrat or a Republican in the Primary?". "Will you vote in this Primary election?" "If a Republican is on the ballot for Senate, and Tim Kaine is on the ballot for Senate, would you be more likely to vote for a Republican, or for Tim Kaine?"

Col. Flanagan encouraged everyone present to attend the training on the Phone System for calling that Congressman Forbes had donated for their use, and which would take place at the Victory Center location that coming weekend, on April 28th.

We believe, as it was indicated by the Forbes campaign and the Colonial Heights Republican Party, that these donations have taken place in previous campaign years, and are still taking place now, as we head into the General Election in November of 2012. We further believe that information obtained during the 120 day period of FEA prior to the June 12, 2012 Federal election may be used to impact the November General Election, which includes Congressional, Senatorial, and Presidential elections.

Conclusion

It is the assertion of this complaint that the Voter Identification, GOTV, and General Campaign Activity in which the Republican Party was able to engage as a direct result of the In-Kind donation of a sophisticated "Phone System for Calling", its associated data collection and processing, and training, by Congressman J. Randy Forbes and his Campaign committee, Forbes for Congress, allowed the Party to gain and glean critical information about the inclinations, voting habits, and voting likelihoods of tens of thousands of voters just prior to a Federal election, without making public the coordination between Campaign Committee and Party which created that impact. The impact of the receipt of this donation by the Republican Party in the 4th District of Virginia therefore gave the Party a substantial advantage in identifying voter behavior in an immediate manner that they would not have otherwise had without this Phone System, its data, and its capabilities, thereby allowing the Party to identify and target voters on behalf of the preferred candidates of the Republican Party of Virginia, without making public the coordinated effort between a candidate's Campaign Committee and the Party which created that advantage. Therefore, it is the assertion of this complaint that the Federal Primary elections for both the

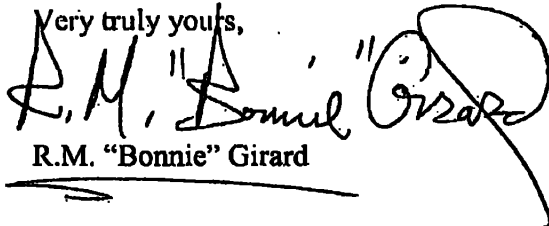
House and the Senate were materially impacted by unreported donations by the Forbes for Congress Campaign Committee to the Republican Party, and by unreported receipts by various Republican Party Committees and Chapters in Virginia:

It is the further assertion of this complaint that the information gained from the unreported donations by the Forbes for Congress Campaign Committee gives the Republican Party in Virginia an unreported informational advantage in the upcoming General Election in November 2012, in which House, Senate, and Presidential elections will be determined.

In order to ensure that the Forbes for Congress Campaign Committee, and the involved Republican Party of Virginia District and Chapter Committees, have had the time to report these large donations and receipts, we waited until the final publication of the Quarterly Reports due on July 15, 2012 before determining whether or not these transactions were truly omitted from the record. Having done substantial research of the public records since those Quarterly Reports were published, and having determined that the donation and receipt transactions herein described do indeed appear to be completely absent from those records, we are now compelled to bring this matter to the attention of the Federal Election Commission.

As a final note, Congressman Forbes voted against the Bipartisan Campaign Reform Act of 2002. Noting additionally that of course ignorance of the law is never a defense, we believe that Congressman Forbes' vote on BCRA indicates that he has a detailed understanding of the Federal election law and its provisions.

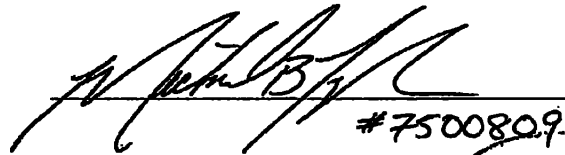
Very truly yours,


R.M. "Bonnie" Girard

SUBSCRIBED AND SWORN to before me this 23rd of August, 2012.

My commission expires:

9/30/2015


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